



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 2405728
Applicant Name : Ben Rankin
Address of Proposal: 5521 12th Avenue NE

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into two unit lots (unit subdivision). This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. The existing single family residence and one duplex on site will remain.

The following approval is required:

Short Subdivision - To divide one existing parcel into two unit lots (unit subdivision).
(Chapter 23.24, Seattle Municipal Code).

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND DATA

Site and Vicinity:

Zoning: Single Family 5000 (SF-5000)

Date of Site Visit: November 4, 2004

Uses on Site: One Duplex and Single Family Residence.

Substantive Site Characteristics:

The rectangular shaped, 4,420 sq. ft site (the “parent lot”) is a corner lot that fronts on the west side of 12th Avenue NE and the south site of NE 56th Street. The site has approximately 45 lineal feet frontage on 12th Avenue NE and approximately 100 feet in depth. Both 12th Avenue NE and NE 56th Street are improved with concrete sidewalks, curbs and gutters on both sides of the streets. One duplex and one single family residence currently exist on the subject property. There is currently no vehicle access to the site. Pedestrian access is available from 12th Avenue NE and NE 56th Street through a flight of stairs to the buildings. The topography of the site is characterized by relatively flat surface within the lot but slopes gently toward the front lot line, where a three to four feet concrete retaining wall has been used to raise the site above the sidewalk fronting on 12th Avenue NE. Along the lot line fronting on NE 56th Street, a five to six foot retaining wall is also used to raise the site above the sidewalk. Along the rear property line an additional concrete retaining wall is used to raise the site above the alley grade as well as on the south property line. Several medium sized trees and shrubs form a landscape hedge on top of the retaining wall along the north property line along NE 56th Street. A 10-foot wide alley abuts the rear property line to the west.

The subject property and the surrounding properties to the north are also zoned SF 5000. However, two blocks west of the site the SF 5000 zone abuts an NC2-40 zone, while to the east the SF 5000 abuts again on NC2-40 zone with a Pedestrian 2 Designation (NC2-40/P2) zone and L-2 zone to the south. Development in the area consist of a variety of one to two-story single family houses of varying age and architectural styles on a variety of lot sizes, consistent with the zoning designation.

Proposal

The applicant is proposing to subdivide one 4,420 sq. ft parcel (the “parent lot”) into two unit lots (unit subdivision). Proposed unit lot areas are: Parcel A) 1,047 sq. ft. and Parcel B) 3,373 sq. ft. in a SF 5000 zone. Parcel A will have direct pedestrian access from NE 56th Street abutting the site to the north and Parcel B will have pedestrian access from 12th Avenue NE to the east of the site. Parking is not available on both Parcel A and B because of the topographical nature of the site. DPD has historical documentation that establishes the existing two residential structures on the subject property. These structures are non-conforming with respect to current land use code development standards. The subject of this analysis and decision is only for the proposed division of land.

Public Comments

DPD received several public comments during the extended comment period, which ended on September 15, 2004. In addition, sixty five neighborhood residents signed a request for a community meeting to express their concerns about the impacts of the proposed short plat. The public meeting was

held on Tuesday, October 26, 2004 and was attended by fifteen residents. The neighbors assert that the proposed unit subdivision is inconsistent to the character of lots in single family 5000 (SF-5000) zone. They further contend that allowing the proposed unit subdivision to occur would set a precedent for creating undersized lot in SF 5000 zone. Other concerns raised include increased density, traffic and parking impacts, creating nonconforming yards setbacks and the aesthetic quality of the neighborhood.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, The Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant, condition, or deny a short plat.

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*
8. *Conformance to the provisions of Section 23.24.046, Multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*

Summary - Short Subdivision

Based on information provided by the applicant, referral comments from DPD, Water (SWD), Fire Departments (SFD), Seattle City Light, and review by the Land Use Planner, the above cited criteria have been met subject to the conditions imposed at the end of this decision.

The lots to be created by this short subdivision will meet all minimum standards or applicable exceptions set forth in the Land Use Code, and are consistent with applicable development standards. As conditioned, this short subdivision can be provided with no vehicular access to the site, public and private utilities and access (including emergency vehicles). Adequate provisions for drainage control, water supply and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions. The proposal site is not located in an environmentally critical area; therefore SMC 25.09.240 is not applicable. The proposed plat maximizes the retention of existing trees. The public use and interest are served by the proposal since all applicable criteria are met and the proposal creates the potential for additional housing opportunities in the City.

ANALYSIS –UNIT LOT SUBDIVISION (CRITERION #7)

Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.

- A. *The unit subdivision provisions of SMC Section 23.24.045 apply exclusively to the unit subdivision of land for townhouses, cottage housing developments, residential cluster developments, and single-family residences in zones where such uses are permitted.*
- B. *Sites developed or proposed to be developed with dwelling units listed in subsection A above, may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private, usable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.*
- C. *Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.*
- D. *Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space (such as common courtyard space for cottage housing), and other similar features, as recorded with the Director of the King County Department of Records and Elections.*
- E. *Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the Director of King County Department of Records and Elections.*
- F. *The facts that the unit lot is not a separate buildable lot, and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat, as recorded with the Director of the King County Department of Records and Elections.*

Summary - Unit Lot Subdivision

Review of this application shows that the proposed short subdivision would conform to applicable standards of SMC 23.24.045 subject to the conditions imposed at the end of this decision. The proposed developments are two existing residential structures, a duplex and a single family residence. The structures, as reviewed under their separate building permits, conform to the development standards of the time the permit application was vested. To assure that future owners have constructive notice that additional development may be limited; the applicant will be required to add a note to the face of the plat that reads as follows: Include the following on the face of the plat: *"The lots created by unit subdivision are not separate building lots. Additional development on any individual lot in this unit subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code."* A joint use and maintenance agreement will be required as conditioned at the end of this decision.

DECISION - SHORT SUBDIVISION

The application to subdivide one parcel into two is **CONDITIONALLY APPROVED**.

CONDITIONS- SHORT SUBDIVISION

Prior to recording

The owner(s) and responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat and their distances to the proposed property lines dimensioned. The boundaries shall be adjusted if necessary to meet the requirements of the Land Use Code.
2. Applicant shall add a note to the face of the plat stating: *"The lots created by this unit subdivision are not separate buildable lots. Additional development on these unit lots in this subdivision may be limited as a result of the application of development standards to their parent lot pursuant to applicable provisions of the Seattle Land Use Code"*.
3. Add the conditions of approval after recording on the face of the plat or on a separate page. If the conditions are on a separate page, insert on the face of the plat "For conditions of approval after recording, see page ____ of ____."

4. Provide final recording forms and fees.
5. Provide a joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and all ingress, egress and utility easements.

Prior to Issuance of any Building Permit

The owner(s) and/or responsible party(s) shall

1. Attach a copy of the recorded short subdivision to all permit application plans for any application for a permit to construct, demolish, or change use.

Signature: _____ (signature on file) Date: January 6, 2005
Christopher A. Ndifon, Land Use Planner

CAN:bg

NdifonC/doc/unit subdivision/2405728/doc